

REMARKS/ARGUMENTS

Reconsideration of the present application, as amended, is respectfully requested.

The January 22, 2004 Office Action and the Examiner's comments have been carefully considered. In response, a telephonic interview was conducted with Examiner Sakelaris and Primary Examiner Foreman, claim 1 is amended and remarks are set forth below in a sincere effort to place the present application in form for allowance. The amendments are supported by the application as originally filed. Therefore, no new matter is added.

INTERVIEW

The courtesy of Primary Examiner Foreman and Examiner Sakelaris in granting and conducting an interview in connection with this application is acknowledged and appreciated. During the interview, the present claimed invention and the cited references were discussed. Primary Examiner Foreman suggested that language such as "brightness threshold" and "scanning lines" be included in the independent claim to more clearly distinguish the present invention over the prior art of record. Claim 1 is

amended herein in accordance with the comments made by Primary Examiner Foreman. No agreement was reached with regard to the patentability since a proposed amended claim 1 was not presented to Primary Examiner Foreman.

PRIOR ART REJECTIONS

In the Final Office Action dated January 22, 2004, claims 1, 3, 4 and 6 are rejected under 35 USC 103 as being unpatentable over USP 5,874,219 (Rava et al.) in view of USP 5,710,880 (Howlett et al.). Claims 5, 8 and 9 are rejected under 35 USC 103 as being unpatentable over Rava et al. in view of Howlett et al., and further in view of USP 6,458,601 (Kimura et al.) and further in view of the Webster Dictionary.

In response, as indicated above, an interview was conducted with Examiner Sakelaris and Primary Examiner Foreman regarding this application. As a result of the interview, claim 1 is amended along the lines discussed during the interview to more clearly define the present invention over the references of record. Claim 1 is patentable over each of the references of record, when taken either alone or in combination, because the references do not disclose, teach or suggest an image data

acquisition method including scanning a sample, acquiring scanned image data by receiving light from the sample, sequentially obtaining the acquired scanned image data obtained by scanning a region of a predetermined size every time a region scanned with the light reaches a predetermined size, the region having a plurality of scanning lines including a start scanning line and a stop scanning line, and determining a fluorescence intensity of at least the stop scanning line wherein if the fluorescence intensity of a stop scanning line is greater than a predetermined threshold, a position of the stop scanning line is adjusted such that the fluorescence intensity of the adjusted stop scanning line is less than the predetermined threshold wherein the adjusted stop scanning line does not overlap with the plurality of spots on the substrate.

Claims 3-6, 8 and 9 which are either directly or indirectly dependent on claim 1 are patentable over the cited references in view of their dependence on claim 1 and because the references do not disclose, teach or suggest each of the limitations set forth in claims 3-6, 8 and 9.

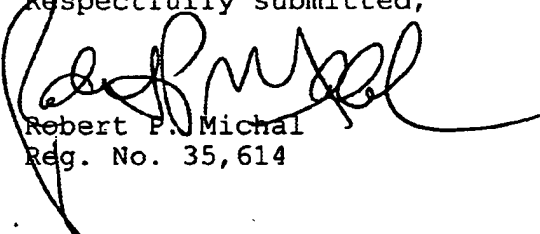
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Entry of this Amendment, allowance of the claims, and the passing of this application to issue are respectfully solicited.

If the Examiner disagrees with any of the foregoing, the Examiner is respectfully requested to point out where there is support for a contrary view.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,


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Encl.: Petition for Extension of Time